19

Department of L & C

OFFICE Board of Rev.

STATION Madras

No. 1811

Dated 18-4-39

SUBJECT.)

Suits - High Court - A.S. No. 862 of 1935 - Chinnaya
& Nimmo. - Bellary) - Remanded - Reported.

GOVERNMENT OF MADRAS

9765

Sectt. II-15 (a)—20,000—30-10-37.

BOARD OF REVENUE 1 APR 1939 MADRAS

Received 193

SECY. 1- APR 1939

Registered 193

Abstract.

Mines - Suits - Quarrying of stones - Bellary - Report of result of A.S.No.862 of 1935 on the file of the High Court - Government Pleader's letter - Recorded.

DEVELOPMENT DEPARTMENT

G.O. No.803 Ms., **dated** 30th March 1939

READ the following paper:—

ENCLOSURES.

No.

From the Government Pleader, Madras, No.302, dated 17th March 1939.

O R D E R:-

R e c o r d e d.

(By Order of His Excellency the Governor)

V.N. Viswanatha Rao,
Secretary to Government

To the Government Pleader, Madras.
To the Board of Revenue, (with Government Pleader's letter)

True Copy

Forwarded
By Order/

L. Rajammal 31.3.39
Superintendent.

Cm.30/3:

Copy of letter from the Government Pleader, Madras, No.302, dated the 17th March 1939.

Suits-(Bellary) - Madras High Court - A.S. No.862 of 1935 - Quarrying of stones - Result.

With reference to G.O.No.773 Home (Judicial) dated the 20th March 1920 and G.O.Mis.No.2255, Revenue, dated the 14th September 1920, I have the honour to report as follows:-

One Hanuma Naik obtained permission from Government for blasting 200 cartloads of stones in S.No.107 A of Dasapuram under license granted by the Tahsildar of Siruguppa. The licensee blasted 200 cart-loads of stones but removed only 100 cart-loads of stone within the time of one month allowed in the license. The balance of 100 cart-loads of stones remained in the quarry itself for over 8 months after the expiry of the license. In the meantime the Reddi of Sirigeri, a neighbouring village, claimed these stones as his private property and sold them to the 2nd defendant while the original licensee sold the same stones to the plaintiff. After paying the amount to the licensee the plaintiff attempted to remove the stones when the 2nd defendant obstructed him alleging that he had purchased the same from the village headman of Sirigari. After enquiry the Tahsildar directed by way of arbitration that the plaintiff and the 2nd defendant should take them in the proportion of 2 to 1. As the plaintiff refused to abide by the decision of the Tahsildar, the Tahsildar directed that the whole lot should be delivered to the 2nd defendant. Hence the plaintiff filed O.S.No.199 of 1933 on the file of the District Munsif of Bellary to recover possession of the stones and for damages against

Government and the 2nd defendant. The District Munsif dismissed the suit on the ground that the original licensee not having removed the stones within the period for which license was valid lost all right to them. Against this decision, the plaintiff preferred A.S.No.24 of 1934 to the District Court of Bellary and the D[illegible] Judge confirmed the decision of the trial court. The plaintiff further preferred the above second appeal to this Hon'ble Court and it was heard by His Lordship Wadsworth J. yesterday, when it was dismissed with costs (two sets).

I am of opinion that nothing further need be done in the matter.

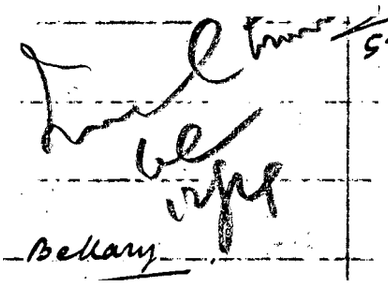
Suits - High Court - A.S. Nos. 862 of 1935 - Quarrying of stones - (Bellary) - Result reported.

Read :-

G.O. No. 803 Mis., Dev. & 30-2-39.

Res. (Mis) No. 3 12-4-39

To the Collr. of Bellary.



B.P. No. Mis·10[11]

Dated 13.4.39

Single Member. M3

Two Members.

Full Board.

A.D.S. Asst. Secretary
I-A. & Land Sett. Sep. J.S. Secy. 3 2 1
L.R. Rev. Rev.

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(1) Open file seen by

(2) Final draft seen by

(3) New circulated to

(4) Initials.

Passed for record.

Secretary
~~Joint Secretary~~

~~A.S.~~ (C.W.)

~~A.S. (L.R.)~~

A.S. (Sett.) MS 14/4/39

~~A.S. (Excise)~~

~~A.D.S. & L.R~~

~~I-A.~~

*Note.- Entries not required to be scored out.